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SEP 17 2004

In re Application of :
Ouchi et al. :
Application No. 10/721,344 : ON PETITION
Filed: November 26, 2003 :
Attorney Docket No.:Q78643 :
Title of Invention: THIN METAL :
LAYERS-HAVING CERAMIC GREEN SHEET :
AND METHOD FOR PRODUCING CERAMIC :
CAPACITOR :

OFFICE OF PETITIONS

This is a decision on the petition filed July 29, 2004, requesting in effect, that a Notice to File Omitted Items which was contained in a Notice to File Corrected Application Papers ("Notice") mailed June 30, 2004, be withdrawn.

The application was filed on November 26, 2003. However, on June 30, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of November 26, 2003 but figures 2a-c, 3a-e, 4, 5a-d, 6a-e, 7a-f as described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends figures 2a-c, 3a-e, 4, 5a-d, 6a-e, 7a-f located on sheets 2-7 were filed on November 26, 2003. In support, the petition is accompanied by a copy of applicant's return postcard which lists " # Dwg. Sheets: 7". The petition is further accompanied by a copy of pages 2 - 7 which contain figures 2a-c, 3a-e, 4, 5a-d, 6a-e, 7a-f as described in the specification.

Applicant's postcard receipt is prima facie evidence that 7 sheets of drawings, including figures were received on July 16, 2003, but two pages containing figures 2a-c, 3a-e, 4, 5a-d, 6a-e, 7a-f are not present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that figures 2a-c, 3a-e, 4, 5a-d, 6a-e, 7a-f were received on November 26, 2003, as shown in counsel's file, and later misplaced in the office.

The petition is Granted to the extent of the Omitted Items. No

petition fee is due and none has been charged.

Since figures 2a-c, 3a-e, 4, 5a-d,6a-e,7a-f as described in the specification cannot be located in the Office, figures 2a-c, 3a-e, 4, 5a-d,6a-e,7a-f supplied on July 29, 2004, will be used for processing and examination purposes.

The Office acknowledges receipt of the 7 pages of drawings submitted on July 29, 2004 in response to the Notice to File Corrected Application papers

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of November 26, 2003, using substitute pages 2 -7 that contain figures 2a-c, 3a-e, 4, 5a-d,6a-e,7a-f supplied on July 29, 2004.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251.



Charlema R. Grant
Petitions Attorney
Office of Petitions